

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Atty. Docket: KUSANO=1

In re Application of:	)	Conf. No.: 6438
	)	
Hajime KUSANO et al	)	Art Unit: 1614
	)	
I.A. Filing Date: 03/14/2005	)	Examiner: Craig D. Ricci
371(c) Date: September 18, 2006	)	
	)	Washington, D.C.
U.S. Appln. No.: 10/593,264	)	
	)	
For: FUNCTIONAL POWDERY	)	January 9, 2009
PRODUCT	)	

**REPLY TO ELECTION OF SPECIES OFFICE ACTION**

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Amendment  
Randolph Building, 401 Dulany Street  
Alexandria, VA 22314

Sir:

Applicants are in receipt of the Office Action mailed December 9, 2008, entirely in the nature of what appears to be a plurality of election of species requirements purportedly on the basis of lack of unity of invention under PCT Rules 13.1 and 13.2. Applicants reply below.

First, however, applicants respectfully request the PTO to acknowledge receipt of applicants' papers filed under Section 119.

As best understood, the Office Action requires applicants to make five (5) separate elections. As applicants must make these elections even though the requirements are

traversed, applicants hereby respectfully and provisionally elect as set forth below, with traverse and without prejudice:

- (i) As to the vitamin glycoside, the applicants elect “vitamin P glycoside”. If further election is required, the applicants elect “quercetin glycoside” as the “vitamin P glycoside”.
- (ii) As to the carrier, the applicants elect “saccharides”, and further elect “cellulose” which is recited in claim 6 as one of “saccharides”.
- (iii) As to the form of carrier, the applicants elect “spheres” which is recited in claim 9.
- (iv) As to pharmaceutically acceptable substances, the applicants elect the case in which the pharmaceutically acceptable substances are present, and elect “oligosaccharide” as recited in claim 16, and in particular, “saccharide derivatives of  $\alpha$ ,  $\alpha$  -trehalose” as recited in claim 17.
- (v) As to the form of the external dermatologic agent, the applicants elect “the form of powder” as recited in claim 20.

Claims 1-3, 5-6, 9-13, 16-20 are readable on the elected species.

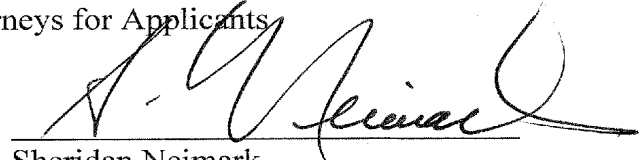
The requirements are traversed on the basis that the generic claims, and particularly claims 1, 5 and 6, define subject matter which meets the requirements of PCT Rules 13.1 and 13.2 so as to provide unity of invention. Withdrawal of the requirements is therefore respectfully requested.

Applicants now respectfully await the results of a first examination on the merits.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicants

By

A handwritten signature in black ink, appearing to read "S. Neimark", is written over a horizontal line.

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